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EXAMINER	
WORKU, NEGUSSIE	

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/942,503	HAMILTON ET AL.	
	Examiner	Art Unit	
	Negussie Worku	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11-25,27-38 and 41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-9,11-25,27-38 and 41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 August 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Negussie Worku
12/8/06

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *08/22/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the applicant's response filed Sep 25, 2006. Claims 1-9, 11-25, 27-38 and 41 are pending, in which, claims 10, 26 and 39-40 are cancelled.

2. Applicant's arguments, see applicant's response, filed, on Sep 25, 2006, with respect to the rejection(s) of claim(s) 1-9, 11-25, 27-38 and 41, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of the Office action submitted below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 11-25, 27-38 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakabayashi et al. (USP 7,113,306).

Regarding claim 1, Nakabayashi et al. teaches a method (fig 2, includes scanner 11a, camera 11b as image input device for inputting image data which are connected to a computer system 12 of fig 2) of optically scanning a target item, (col.9, lines 15-20) comprising: configured an optical scanning arrangement with predefining settings for scanning parameters appropriate to a photographic image, an optical scanning arrangement of fig 2, with a parameter setting unit A2 of fig 1, and image modification section 40 mainly generates a various parameters for automatically executing an image processing, which includes scanning, converting and setting parameters with out human intervention, col.12, lines 23-30);

initiating a scanner operation (main control section 60 of fig 3, for carrying out various general control operation, which includes an operating system (OS) 12a of fig 2, is activated for activating (initiating the imaging system, col.10, lines 20-23, col.11, lines 43-45);

in response to the initiating, optically scanning the target item initiating for using the predefined settings to form a digital image of the target item, (in response to initiating step of fig 2, main control section 60 of fig 3, initiates scanning unit 11a or camera 11b of fig 2 and image modification control section 40 of fig 3, to generates various parameters for automatically executing an image processing, col.13, lines 32-36, and col.12, lines 23-28);

converting the digital image into a data file, (the system of fig 2, convert the scanned image by scanner 11a or camera 11b, converted to image file and stored in the storage system of fig 1, by main control unit 60 of fig 3), wherein the scanning, and the

converting are performed automatically without intervention by a user, (col.14, lines 14-17), and wherein the predefined setting are not defined by the user (as shown in fig 5 and 6, image file is stored in each folder, and adds and manages information in the folder unit, and indicative of actual storage region, date (month, year), film data (such as film name, etc. as shown in fig 5 and 6, col.12, lines 46-68, through col.13, lines 1-10).

Regarding claim 2, Nakabayashi et al. teaches the method, (fig 2) further including: automatically storing the data file, (main control section 60 of fig 3, which includes CPU 12e of fig 2, which can convert data to data file, col.2, paragraph 0016, lines 1-10).

Regarding claim 3, Nakabayashi et al teaches, wherein the storing includes storing the data file on a file system, (image data storage section A11 of fig 1, stores data file, via controller 60, as shown in fig 5 and 6, col.12, lines 46-68, through col.13, lines 1-10).

Regarding claim 4, Nakabayashi et al teaches the method, (fig 2) further including specifying a date, and wherein the storing further includes storing the data file on the file system in a folder associated with the date, see (fig 5 and 6, where a data file has been shown relating to date, month and year of the file data, col.13, lines 40-45)

Regarding claim 5, Nakabayashi et al teaches the method wherein the folder is associated with a particular month and year (as shown in fig 6, file data folder is associated with month and year, (col.13, lines 40-45).

Regarding claim 6, Nakabayashi et al. teaches the method, (fig 1-2) wherein the scanning parameters are selected from the group consisting of pixel depth, resolution, crop mode, and skew correction mode, (col.14, lines 40-45).

Regarding claim 7, Nakabayashi et al teaches the method, wherein the scanning parameter settings (a various parameters of the image data may be selected through), image modification control section 40 of fig 8, col.14, lines 5-10), appropriate to a photographic image includes: pixel depth=24-bit color; resolution=150 dots per inch; crop mode=automatic border detection; and skew correction mode=automatic image straightening, (see fig 53 (a) and (b), col.14, lines 40-45)

Regarding claim 8, Nakabayashi et al teaches the method, (fig 2), wherein the file system (fig 5 and 6) has no folder associated with the date, further including: creating the folder associated with the date (file associated with date col.13, lines 5-10).

Regarding claim 9, Nakabayashi et al teaches the method (fig 2), wherein the data file is a plurality of data files (plurality of data file as shown in fig 6) and wherein the file system has a plurality of folders, (fig 5 and 6, having a folder) further including: viewing a representation of the plurality of folders; and viewing a representation of the data files in one of the folders, (since the imaging system 2 of fig 1, connected to computer 12 of fig 2, plurality of folder and file of fig 6, can be viewed through a 17a of fig 2 monitor).

Regarding claim 11, Nakabayashi et al teaches a method of automatically organizing digital images, (fig 2) comprising: acquiring a digital image from an image source (scanner system 11a of fig 2, for acquiring an image from the image source); automatically associating a date with the digital (image file editing section 20c and retrieving section 20d of fig 4, to execute according to the comment, a date and like based on a parameter managed together with image file, col.12, lines 25-20); automatically converting the digital image into a data file (converting image into data file automatically is performed by image modification control section 40 of fig 8, which includes modification information, feature information, color matching information file update, and file date information, col.12, line 15-25); and storing the data file into a folder of a file system, (folder system of fig 5 and 6) the folder associated with the date (col.13, lines 40-50).

Regarding claim 12, Nakabayashi et al teaches a method (fig 2) further including: creating the folder if no other folder is associated with the date (creating a folder is performed by (computer 12 (CPU 12E) of fig 2, and also see fig 5 and 5).

Regarding claim 13, Nakabayashi et al teaches the method (fig 2) wherein the date is the capture date when the image was captured by the image source (image scanner 11a of fig 2, capture the image and stored in the storage of computer 12 of fig

2, and a folder is created and data have been updated as shown in fig 5 and 6, where, film data associated by date).

Regarding claim 14, Nakabayashi et al teaches, wherein the date is the storage date when the image was converted into a data file, (image scanner 11a of fig 2, capture the image and stored in the storage of computer 12 of fig 2, and a folder is created and data have been updated as shown in fig 5 and 6, where, film data associated by date).

Regarding claim 15, Nakabayashi et al. teaches the method of (fig 1), wherein the data folder is associated with a particular month and year, (fig 5 and 6 shows folder associated with date, month and year).

Regarding claim 16, Nakabayashi et al teaches the method, (fig 1) wherein the data folder is selected from a set of data folders (see (fig 5 and 6).

Regarding claim 17, Nakabayashi et al teaches the method, wherein the digital image is a previously captured image, (image captured by image scanner 11a of fig 2) and wherein the acquiring further includes: uploading the previously captured image (the captured image up loaded into computer 12, of monitor 17a of fig 2, for further processing and review).

Regarding claim 18, Nakabayashi et al teaches the method, (fig 2) wherein the acquiring further includes: predefining settings for image acquisition parameters appropriate to a photographic image, (a various parameters of the image data may be selected through image modification section 40 of fig 9, col.14, lines 5-15); and capturing the digital image with the image source according to the predefined settings item (scanning unit 11a, for a document or an item to be scan).

Regarding claim 19, Nakabayashi et al teaches the method, (fig 2) further comprising: performing a post-processing operation on the data file, (a various parameters of the image data may be selected through image editing section, see (fig 53 (a and b), where various pre set image processing is performed).

Regarding claim 20, Nakabayashi et al teaches the method, (fig 2) wherein the performing includes performing an image polishing operation, (fig 53 (a and b), such as brightness operation).

Regarding claim 21, Nakabayashi et al teaches the method, (fig 2) wherein the performing includes processing the data file with an application program (computer 12 of fig 2, includes application program (OS 12a of fig 2).

Regarding 22, Nakabayashi et al teaches the method, (fig 1), wherein the performing further includes sending the processed data file to a destination, (sending

the processed image to destination, through modem 14a of fig 2, to a network connection).

Regarding claim 23, Nakabayashi et al. teaches the method, wherein the destination is a peripheral device, (col.2, paragraph 0016, lines 1-3).

Regarding claim 24, Nakabayashi et al. teaches the method, wherein the peripheral device is selected from the group consisting of a printer (printer 17b of fig 2) and a fax machine (scanner 11a or fax of fig 2).

Regarding claim 25, Nakabayashi et al. teaches the method, (fig 2) wherein the application program is selected from the group consisting of an image polishing application, a creative printing application, (out put terminal 17b of fig 2, such as printing system) a photo album application, an e-mail application, (host computer 12, connected to the a net work, via modem 14a of fig 2), web site upload application (modem 14a of fig 2).

Regarding to claim 27, Nakabayashi et al image processing system, (fig 2) comprising: predefining at least one set of image source for providing at least one digital image upon request (digital camera 11b of fig 2, as a set of image source);

an image capture subsystem (computer body 12 of fig 2, comprising image capture subsystem, 11a, 11b and 11c of fig 2) coupled to the at least one image source (digital

image camera 11b of fig 2) for requesting and receiving the at least one digital image from at least one image source, (computer body 12 of fig 2, coupled to plurality of image source 11a, 11b, 11c of fig 2), the image capture subsystem (fig 2) further for associating a data with each digital image and automatically converting each digital image into a corresponding image file (col.14, lines 14-17, image data read through the operating system (OS)12a of fig 2, and are automatically saved in a predetermined work area); and a file system (fig 5 and 6) coupled to the image capture subsystem (fig 2) for automatically storing each image file in a selected on of a plurality of data folders, (plurality of data folder are shown in fig 5 and 6) the selected data folder having a folder name indicative of the date (as shown in fig 6, folders are indicative of date, month and year of the save information, col.13, lines 41-45).

Regarding to claim 28, Nakabayashi et al. teaches the image processing system (fig 2), comprising: an image management subsystem (computer body 12 of fig 2), coupled to the image capture subsystem (computer body 12 of fig 2, connected to image capture sub system scanner 11a, camera 11b and video camera 13b) and the file system (as shown fig 6) for viewing the plurality of data folders and the image files in a specified data folder (plurality folder, shown in fig 5 and 6).

Regarding to claim 29, Nakabayashi et al. teaches the image processing system (fig 2), comprising: a post-processing subsystem (as in fig 11, col.14, lines 35-45) coupled to the image management subsystem (a structure of the photographic data 30b

is shown in fig 5 and 6) for post-processing at least one selected one of the image files (image processing is performed in the computer 12 of fig 2, in conjection with image storage device, so that the saved data stored in the folder of fig 6, can be selected for further processing).

Regarding to claim 30, Nakabayashi et al teaches the image processing system (fig 2), comprising a post-processing subsystem (as in fig 11, col.14, lines 35-45) coupled to the image management subsystem (a structure of the photographic data 30b is shown in fig 5 and 6) for post-processing at least one selected one of the image files (image processing is performed in the computer 12 of fig 2, in conjection with image storage device, so that the saved data stored in the folder of fig 6, can be selected for further processing).

Regarding to claim 31, Nakabayashi et al teaches the image processing system (fig 2), comprising: an image destination coupled to the post-processing subsystem, (the processed image can be transmitted from processor 12 of fig 2, via modem 14a of fig 2 to a network destination), for receiving output data corresponding to at least one selected one of the image files (image can be selected from image folder shown fig 6).

Regarding to claim 32, Nakabayashi et al teaches the image processing system (fig 2), wherein the date is an image acquisition date provided by the image source (image scanner unit 11a of fig 2, provides data by scanning an image, as the system

create a data folder the include information, such as image data, date, month and year as shown in fig 6).

Regarding to claim 33, Nakabayashi et al. teaches the image processing system (fig 2), wherein the date is a current date provided by a date subsystem (the computer sub system 12 of fig 2), coupled to the image captures subsystem (image capture scanner 11a of fig 2, connected to computer 12 of fig 2).

Regarding to claim 34, Nakabayashi et al teaches the image processing system (fig 2), wherein the at least one image source is an optical scanner, (scanner 11a of fig 2) and wherein the image capture subsystem (image processing unit 12 of fig 2, one of the imaging capture subsystem) provides predefined settings appropriate to a photographic image to the optical scanner for use in providing the at least one digital image, (a various parameters of the image data may be selected or set through computer subsystem 12 of fig 2).

Regarding to claim 35, Nakabayashi et al teaches a processor-readable medium (memory device of fig 2) having processor-executable instructions (an application program such as operating system (OS) stored in the storage area of the computer 12 of fig 2), thereon which, cause the processor to: acquire a digital image from an image source (scanner unit 11a of fig 2); automatically convert the digital image into a data file having a date associated with the digital image (the program code or the soft ware that

run the system of fig 2, automatically manage the conversion, scanning and storing the data); and store the data file into a data folder of a file system, (data file are stored in the folder associated with the date (image saved in the file folder has an association with date, month and year as shown in fig 6).

Regarding to claim 36, Nakabayashi et al teaches a processor-readable medium having processor-executable instructions (a predetermined program is executed in the computer body 12 of fig 2, col.10, lines 20-25), thereon which, when executed by a processor, (col.10, lines 36-45) cause the processor (computer 12 of fig 2), to: configure an optical scanning arrangement with predefined settings for scanning parameters appropriate to a photographic image (col.10, lines 52-60); detect an initiation of a scanning operation (operating system (OS) 12a is activate the scanning system, col.10, lines 20-25); in response to the initiating, optically scanning the target item initiating for using the predefined settings to form a digital image of the target item, (in response to initiating step of fig 2, main control section 60 of fig 3, initiates scanning unit 11a or camera 11b of fig 2 and image modification control section 40 of fig 3, to generates various parameters for automatically executing an image processing, col.13, lines 32-36, and col.12, lines 23-28); automatically converting the digital image into a data file, (the system of fig 2, convert the scanned image by scanner 11a or camera 11b, converted to image file and stored in the storage system of fig 1, by main control unit 60 of fig 3), wherein the scanning, and the converting are performed automatically without intervention by a user, (col.14, lines 14-17), and wherein the predefined setting

are not defined by the user (as shown in fig 5 and 6, image file is stored in each folder, and adds and manages information in the folder unit, and indicative of actual storage region, date (month, year), film data (such as film name, etc. as shown in fig 5 and 6, col.12, lines 46-68, through col.13, lines 1-10).

Regarding to claim 37, Nakabayashi et al teaches an image processing system, (fig 2), comprising: means (digital camera 11b of fig 2) for acquiring a digital image from an image source; means (computer body 12 of fig 2, which includes a program that control the image processing device of fig 2) for automatically converting the digital image into a data file having a date associated with the digital image; and means (computer 12 of fig 2, having a storage means for storing image data in to a data folder, as shown in fig 6) for storing the data file into a data folder of a file system, (folder system shown in fig 5 and 6) the folder having a folder name indicative of the date col.12, lines 46-68, through col.13, lines 1-10).

Regarding to claim 38, Nakabayashi et al teaches an image processing system, (fig 2) comprising: means (as shown in fig 2, scanner 11a, digital camera 11b) for configuring an optical scanning arrangement with predefining settings for scanning parameters appropriate to a photographic image (col.13, lines 1-10); means (operating system (OS) 12a of fig 2) for initiating a scanning operation; means (scanner 11a of fig 2) for optically scanning the target item using the predefined settings to form a digital image of the target item; and means (computer body 12 of fig 2) for automatically converting the digital image into a data file, wherein the canning and the converting are

performed automatically without intervention by a user, and wherein the predefined settings are not defined by the user, (in response to initiating step of fig 2, main control section 60 of fig 3, initiates scanning unit 11a or camera 11b of fig 2 and image modification control section 40 of fig 3, to generates various parameters for automatically executing an image processing, col.13, lines 32-36, and col.12, lines 23-28).

With regard to claim 41, Nakabayashi et al. teaches an image processing system, (30 of fig 1) comprising: at least one image source, (scanner unit 11a of fig 1) each image source for providing at least one digital image upon request; an image capture subsystem (scanner or camera 11a and 11b of fig 2) coupled to the at least one image source for requesting and receiving the at least one digital image from the at least one image source, (image scanner 11a or camera 11b of fig 2), the image capture subsystem (fig 2) further for associating a date with each digital image and automatically converting each digital image into a corresponding image file (computer 12 of fig 2, convert the scanned image in to data file in order to store in the storage area of the computer 12a of fig 2, also see fig 5 and 6) ; and a file system (file system of fig 6) coupled to the image capture subsystem (image capture 11a or 11b of fig 2), for automatically storing each image file in a selected one of a plurality of data folders, the selected data folder associated with the date, (main control section 60 of fig 3, initiates scanning unit 11a or camera 11b of fig 2 and image modification control section 40 of

fig 3, to generates various parameters for automatically executing and storing an image processed in the system of fig 2, col.13, lines 32-36, and col.12, lines 23-28).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Negussie Worku

11/28/06

DOUGLAS Q. TRAN
PRIMARY EXAMINER